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Nos. 07-21 and 07-25

IN THE

Supreme Court of the United States

WILLIAM CRAWFORD, *et al.*, *Petitioners,*
v.
MARION COUNTY ELECTION BOARD, *et al.*,
Respondents.

INDIANA DEMOCRATIC PARTY, *et al.*, *Petitioners,*
v.
TODD ROKITA, *et al.*, *Respondents.*

On Writs of Certiorari to the United States Court of Appeals for the Seventh Circuit

BRIEF OF THE REPUBLICAN NATIONAL COMMITTEE AS *AMICUS CURIAE* SUPPORTING RESPONDENTS

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INTEREST OF AMICUS CURIAE

Amicus Republican National Committee ("RNC") is an unincorporated association that represents the National Republican Party and actively and extensively participates in campaigns and elections in all 50 states, including Indiana.[1] The RNC is dedicated to growing support for the Republican Party's ideas, and expanding the number of voters who support Republican candidates. The RNC has a direct interest in ensuring that all eligible citizens enjoy equal access to the ballot box, that all elections are conducted in a fair and honest manner, and that public confidence in election results is not undermined by vote fraud or the perception of fraud.

SUMMARY OF ARGUMENT

1. Requiring photo identification at the polling place is not a Republican scheme to drive down voter turnout. Empirical evidence demonstrates that photo identification (1) enjoys widespread, *bi-partisan*, public support, (2) does not adversely impact, and indeed may increase, minority voter

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[1] The parties have filed letters consenting to the filing of any *amicus* curiae brief with the Clerk of the Court. Pursuant to Rule 37.6, *amicus* states that no counsel for any party has authored this brief in whole or in part, and no person or entity other than *amicus* made a financial contribution to the preparation or submission of this brief.

turnout, and (3) has worked smoothly in practice. Moreover, the Republican Party benefits by bringing more voters into the process and expanding the Party's base. In just the last two election cycles alone, the RNC has invested millions of dollars, and tremendous time and effort, in voter outreach and voter registration programs.

2. Vote fraud happens. Undeniably, the existence of vote fraud undermines the credibility of the electoral system and is sufficient grounds for Indiana to act. Moreover, the perception of vote fraud exists and is itself dangerous, eroding voter confidence and creating uncertainty over close election results. Indiana's photo identification law is a common sense administrative measure taken by the state to fight vote fraud and the perception of vote fraud.

ARGUMENT

I. PHOTO IDENTIFICATION IS A LEGITIMATE ADMINISTRATIVE STEP TO FIGHT VOTE FRAUD AND THE PERCEPTION OF VOTE FRAUD, NOT A REPUBLICAN MEASURE TO REDUCE VOTER TURNOUT.

Opponents of Indiana's photo identification law, Ind. S. Enrolled Act No. 483, Pub. L. No. 109-2005, argue that it is a Republican plot to drive down voter turnout, particularly among minority, elderly, and indigent voters. *See* Br. of Pet. Ind. Democratic Party, at 24. Petitioners further assert that Indiana's interest in protecting against vote fraud is simply a "Republican pretext" for suppressing Democratic Party voter turnout.[2] *See*

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[2] Petitioners are not alone in baselessly asserting that Indiana's photo identification law is actually a malicious Republican voter suppression plot. *Amicus* ACORN – an organization whose employees have been *indicted for voter registration fraud* – boldly states "increasingly, reports of voter fraud have been used to generate support for restrictive voting laws which suppress voting by those groups expected to oppose incumbent candidates and parties." Br. of *Amicus Curiae* Ass'n of Cmty. Orgs. For Reform Now (ACORN), at 7-8; *see also* Keith Ervin, *Seven Charged in Vote Fraud Scheme*, The Seattle Times, July 27, 2007, at B1. Indeed, even a dissenting Circuit Judge has alleged this against the Republican Party. *Crawford v. Marion County Election Bd.*, 472 F.3d 949, 954 (7th Cir. 2007)(Evans, J., dissenting) ("Let's not beat around the bush: The Indiana voter photo ID law is a not-too-thinly-veiled attempt to discourage election-day turnout by certain folks believed to skew Democratic.").

id. at 24, 39. The facts, however, contradict this partisan conspiracy theory. Indiana's statute is simply a legitimate effort by the state to protect the election process from fraud and the perception thereof.

A. Photo Identification Requirements Are Widely Supported And Have Been Shown To Increase Voter Turnout.

Empirical evidence shows that photo identification enjoys widespread bi-partisan support, and actually may *increase* minority voter turnout. The American public overwhelmingly favors voter identification requirements. In a survey of some 36,000 voters, professors at MIT found that 77% of respondents supported voter identification requirements.[3] *See* Stephen Ansolabehere and Elting R. Morison, *Access Versus Integrity in Voter Identification Requirements* (Feb. 2007) [hereinafter "Ansolabehere Survey"]. Within this poll, 51% of individuals who self-identified as "very liberal"

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[3] This data comports with a national Wall Street Journal/NBC poll conducted in April 2006, which showed that 81% of respondents nationwide supported (and only 7% opposed) photo identification requirements. *See* Hart/McInturff, *Study #6062, NBC News/Wall St. J. Survey*, at 13 (Apr. 2006), *available at* http://online.wsj.com/public/resources/documents/poll20060426.pdf.

supported voter identification laws.[4] *See id.* at 11 tbl.1.

Public support for voter identification requirements is validated by the fact that at least two jurisdictions – Arizona and Albuquerque, New Mexico – have adopted photo identification requirements by ballot initiative. In Arizona, 56% of voters approved Proposition 200, a 2004 statewide initiative requiring individuals to present photo identification and produce proof of citizenship before they could register to vote. *See* Ariz. Sec'y of State, *2004 General Election (Unofficial Results), available at* http://www.azsos.gov/results/2004/general/BM200.htm. The following year, 73% of Albuquerque, New Mexico, voters approved a local photo identification requirement, drawing overwhelming bi-partisan support that transcended income and racial divides. *See Unofficial Election Results for the City of Albuquerque Regular Municipal Election - October 4, 2005, available at http://www.bernco.gov/upload/images/clerk/past_elections/city_2005_10.html*; *see also* Dan McKay, *81% in Survey Back Photo ID for Voters*, Albuquerque J., Oct. 2, 2005, at B1.

Even the bi-partisan Baker-Carter Commission on Federal Election Reform ("Baker-

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[4] Public support also appears to transcend racial divides. *See* Ansolabehere Survey, at 5 (finding over 70% of whites, African-Americans, and Hispanics supported voter identification laws).

Carter Commission") – convened in part in response to the hard fought 2004 presidential election – recommended that all voters present photographic identification before being permitted to cast their ballot. *See Building Confidence in U.S. Elections: Report of the Baker-Carter Commission on Federal Election Reform*, at 18 (Sept. 2005) (noting that "some form of identification is needed" in today's urban, transient society, where 40 million people move each year) [hereinafter "Baker-Carter Commission Report"].

B. There Is No Evidence That Voter Identification Requirements Disparately Impact Any Particular Group Of Voters.

Despite Petitioners' unsupported arguments to the contrary, there is no evidence that voter identification requirements disparately impact any disadvantaged groups. Indeed, researchers at the Heritage Foundation found that African-American respondents in states that require or request photographic identification are *just as likely* to vote as African-American respondents in states that only require voters to state their name. *See* David B. Muhlhausen and Keri Weber Sikich, *New Analysis Shows Voter Identification Laws Do Not Reduce Turnout* 3 (Sept. 10, 2007) [hereinafter "Heritage Center Report"]. Likewise, the Heritage Center Report found that Hispanic respondents in photo identification states are *just as likely* to vote as Hispanic respondents in states that only require voters to state their name. *See id.*; *see also* Lonna

Rae Atkeson, et al., *New Barriers to Participation: Application of New Mexico's Voter Identification Law*, at 20 (presented at the 2007 Annual Meeting of the American Political Science Association) (finding evidence that Hispanics were *more likely* than non-Hispanics to provide some form of identification).

Another study, by researchers at California Institute of Technology, found similar results. *See* R. Michael Alvarez, Delia Bailey, and Jonathan N. Katz, *The Effect of Voter Identification Laws on Turnout* (Oct. 2007) [hereinafter "Cal Tech Study"]. The Cal Tech Study found that, after controlling for factors related to voter participation, there was "no evidence that voter identification [requirements] are racially discriminatory."[5] *Id.* at 18.

C. Photo Identification Requirements Have Been Implemented Without Disruption To The Administration Of Elections.

Finally, theoretical argument aside, photo identification requirements have proven to be problem-free in practical application. Recent elections in Indiana and Georgia (where a photo identification law similar to the Indiana law was adopted) demonstrate that such requirements

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[5] While the Cal Tech Study indicated that voter identification requirements may lead to noticeably lower levels of participation among registered voters generally, researchers could find "no evidence to support the hypothesis that [the lower participation effect] is more profound for nonwhite registered voters." Cal Tech Study, at 19.

facilitate, rather than inhibit, the coherent administration of elections. For example, in the November 2006 mid-term elections – the first mid-term statewide election since Indiana adopted its law – voter turnout did not decrease. Rather, turnout actually increased compared to analogous prior mid-term elections. *Compare* Ind. Sec'y of State, *2006 General Election Turnout and Registration* (40% voter turnout), *available at* http://www.in.gov/sos/elections/2006%20Municipal%20Registration%20and%20Turnout.pdf, *with* Ind. Sec'y of State, *2002 General Election Turnout and Registration* (39% voter turnout), *available at* http://www.in.gov/sos/elections/pdfs/2002_election_report/part2.pdf.

In Georgia, local elections in 23 counties were administered "without a hitch" in the state's first election conducted under its new photo identification requirement. Shannon McCaffrey, *Georgia Voter ID Law Passes Test*, AP, Sept. 18, 2007. In fact, according to state election officials, only eight voters ultimately cast provisional ballots because they lacked the appropriate photo identification needed to cast a ballot. *See* Shannon McCaffrey, *Few Lacked Photo ID in Georgia's Sept. 18 Election*, AP, Sept. 26, 2007. The experiences in Indiana and Georgia, supported by solid research, confirm that voter identification requirements are reasonable measures that do not deter voters from voting nor distract from the orderly administration of elections.

D. The Republican National Committee Has An Interest In Ensuring That Voter Confidence In Election Results Is Not Undermined.

Finally, the Republican Party, like the State of Indiana, has an interest in promoting confidence in elections and election results. The RNC's effort to grow the Republican Party and to turn voters out to the polls is all part of an effort to elect Republican candidates.[6] This is not a conspiracy. Electing its candidates to office is the primary focus of any national political party, because holding office is the best way for a party to put its principles and ideals into practice.[7] Fraud and the perception of fraud in the election process erode voter confidence, and casts doubt on election results. In short, such fraud undermines everything the Republican Party works to accomplish.

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[6] The Republican Party as a whole, in just the last two election cycles, has spent *millions* of dollars engaged in voter outreach and voter registration programs, and will do so again in the 2008 election cycle. As a result of the RNC's voter registration programs over the last two election cycles, over one million new voters have been registered to vote. Indeed, these efforts combined with the Republican Party's voter turnout programs have resulted in millions of new voters participating in our democratic process.

[7] The Democratic National Committee's website, in a section titled "What We Do," states that one of the primary functions of the DNC is "promot[ing] the election of Party candidates with both technical and financial support." Democratic Nat'l Comm., *What We Do*, *available at* http://www.dnc.org/a/party/aboutDNC.html.

II. PHOTO IDENTIFICATION IS A COMMON SENSE MEANS OF COMBATING VOTE FRAUD AND THE PERCEPTION OF VOTE FRAUD.

Opponents of Indiana's photo identification statute also argue that it is wholly unnecessary, because vote fraud is "non-existent." Br. of Pet. ACLU of Ind., at 42. This assertion is dubious enough, even without the existing contradictory facts. Regardless, there is no authority that prevents Indiana from taking a reasonable administrative step to prevent the threat of, and combat, vote fraud.

This Court has recognized that "there must be a substantial regulation of elections if they are to be fair and honest and if some sort of order, rather than chaos, is to accompany the democratic processes." *Storer v. Brown*, 415 U.S. 724, 730 (1974). Accordingly, safeguards are built into the American electoral system, such as advanced registration and residency requirements, to help ensure that elections are fair and honest. Such safeguards act to protect, rather than interfere with, the right to vote. *See, e.g., Anderson v. Celebrezze*, 460 U.S. 780, 788 (1983). To be sure, 25 states currently require or request all voters to present some form of identification verification at the polls. *See* Electionline.org, *Voter ID Laws*, *available at* http://www.electiononline.org/ (last updated Sept. 18, 2007). Of those, seven states – Florida, Georgia, Hawaii, Indiana, Louisiana, Michigan, and South

Dakota – require or request all voters to provide photo identification. *See id.*

A. Photo Identification Is A Fundamental Part Of Living In Modern Society.

Photo identification requirements are consistent with the 2005 recommendations of the Baker-Carter Commission, which recognized that, with the enactment of the federal REAL ID program, photo identification is required to conduct some of the most basic, routine transactions and activities. *See* Baker-Carter Commission Report, at 18 ("Photo IDs currently are needed to board a plane, enter federal buildings, and cash a check. Voting is equally important."). Indeed, photo identification is vital to obtain employment, open a bank account, purchase certain goods and services, qualify for government entitlement programs, and even to exercise the right of access to federal courts. Congress recognized as much when it debated legislation concerning national standards for state driver's licenses and identification cards: not only has the driver's license become the "foundation of your identity," it also has "come to represent more than authorization to operate a motor vehicle; it imparts a stamp of legitimacy and is often taken as unquestionable proof of identity." 150 Cong. Rec. H8664-02, H8682-83 (Oct. 7, 2004)(statement of Rep. Moran). If such requirements can also help protect the integrity of the electoral system, all the better.

B. Vote Fraud Is Non-Fiction.

Although the precise extent to which in-person vote fraud occurs is unknown (because of the lack of research and the difficulty of collecting data), several independent sources confirm that instances of vote fraud plague federal, state, and local elections. *First*, Congress recognized the need to prevent vote fraud when it passed the Help America Vote Act of 2002 (HAVA). *See* 148 Cong. Rec. S10419, S10489 (Oct. 15, 2002) ("By passage of this legislation, Congress has made a statement that vote fraud exists in this country.")(statement of Sen. Bond); *see also id.* at S10419 ("To protect the integrity of every election, this conference report makes significant advancements in rooting out vote fraud.")(statement of Sen. McConnell). *Second*, the bi-partisan Baker-Carter Commission declared that "there is *no doubt* that [fraud] occurs." Baker-Carter Commission Report, at 18 (emphasis added). *Third*, media outlets around the country routinely cover stories of vote fraud allegations, investigations, and prosecutions. *See, e.g.*, Republican Nat'l Comm., *You Can't Make This Up!*, *available at* http://www.gop.com/flexpage.aspx?area=YCMTU (collecting media reports of vote fraud investigations and indictments); Am. Ctr. for Voting Rights, *Vote Fraud, Intimidation & Suppression in the 2004 Presidential Election* (Aug. 2, 2005) (collecting media reports concerning allegations of vote fraud during the 2004 election cycle). Certainly, vote fraud is not a "hypothetical" problem, as Petitioners' claim.

C. Vote Fraud – Even In Small Amounts – Can Affect The Outcome Of Elections.

Historical election data make clear that close elections are becoming the norm.[8] *See* Nat'l Comm'n on Fed. Election Reform, Task Force Report, *To Assure Pride and Confidence in the Electoral Process* (Aug. 2001). Indeed, elections today are often won by narrow margins. For example, in 2006, at least five races were won by margins less than 1,000 votes. *See The Almanac of American Politics* 1820 (Michael Barone & Richard E. Cohen eds., 2008). Some were extraordinarily close – including the race for the Second Congressional District in Connecticut, which was decided by just 83 votes. *See* Conn. Sec'y of State, *Conn. State Register and Manual, Statement of Vote for November 7, 2006, available at* http://www.sots.ct.gov/RegisterManual/SectionVIII/SOV06Congress.htm#Second.

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[8] In a study analyzing election data from 1948 to 2000, the National Commission on Electoral Reform found that elections for presidential electors have been decided 31 times by less than 1% of the votes cast, while 4% of United States Senate seats, 2% of United States House of Representatives seats, and 5% of gubernatorial races have been won by that margin. More strikingly, the Commission found that, in any given year, there is a 71% likelihood that at least one Senate race will be decided within a 1% margin, a 90% likelihood that at least one state will have a presidential election decided within a 1% margin, and more than a 99% likelihood that at least one House race will be decided within a 1% margin. *See* Nat'l Comm'n on Fed. Election Reform, Task Force Report, at 2-4.

As the margin of victory narrows, the greater the effect of even one fraudulent vote. Thus, even minimal amounts of vote fraud can affect the outcome of an election. *See* Baker-Carter Commission Report, at 18 (concluding that fraud and multiple voting in U.S. elections exists, and that such behavior can "affect the outcome of a close election").

Vote fraud, whether sporadic or prolific, also has a more indirect effect of dampening the electorate's confidence in the American democratic system. *See id.* ("The electoral system cannot inspire public confidence if no safeguards exist to deter or detect fraud or to confirm the identity of voters."). As the Court has previously explained, confidence in the American political system often is shaken by even the faintest tinges of corruption or impropriety. *See McConnell v. Fed. Election Comm'n*, 540 U.S. 93 (2003) (upholding campaign finance restrictions on grounds of *appearance* of corruption even where there was no evidence that actual corruption had occurred). Multiple pollsters have demonstrated that the public has lost confidence in the voting process due to vote fraud. For example, *Rasmussen Reports* found that 59% of voters believed there to be "a lot" of fraud in elections, while a Gallup Poll following the 2000 election found that 67% of the electorate had only "'some' or 'very little' confidence in the way the votes are cast in our country," and a Zogby Poll found that 10% of all voters believe "that their votes are not counted accurately." *See Indiana Democratic Party v. Rokita*, 458 F. Supp. 2d 775, 794 (S.D. Ind. 2005)(citations omitted). By reducing

public confidence, then, vote fraud and the perception of vote fraud pose a threat to our electoral system.

There have been many close elections in the past decade alone. Indeed, state election codes contemplate close elections, providing for canvassing and recount procedures.[9] But even those processes can be undermined by vote fraud and the perception of vote fraud. Therefore, if left unaddressed, the political environment becomes one in which all close elections end with some degree of doubt over whether vote fraud occurred and whether such fraud may have altered the outcome.

For example, the Washington State gubernatorial race in 2004 was extraordinarily close. With over 2.9 million votes cast in that election, Republican Dino Rossi won the first tally by a margin of 261 votes over Democrat Christine Gregoire. *See Washington GOP Allege Dems Stole Governor's Seat*, AP, May 23, 2005. One columnist noted that the lead "was changing hands almost by the hour." Dean Paton, *The Race for Governor that Simply Won't End*, The Christian Sci. Monitor, Nov 22, 2004. A machine recount maintained Rossi's victory with a narrower margin of 42 votes, but a

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[9] Procedures both to improve vote counting and to reduce vote fraud both have been addressed at the federal and state levels. For example, the Help America Vote Act (HAVA) set "minimum requirements" for states to follow. Pub. L. No. 107-252, 116 Stat. 166, § 304 (2002). The passage of HAVA spurred many states to consider and adopt legislation similar to the Indiana law, to ensure that their elections are fraud-free.

hand recount of the ballots gave Gregoire a 129-vote advantage. *See Borders v. King County*, No. 05-2-0027-3, slip op. at 5 (Chelan County Super. Ct. June 24, 2005).

Confidence in such a close election is unfortunately compromised by illegitimate votes. Comparisons between the Washington Secretary of State's statewide voter file and other databases showed multiple instances of specific fraudulent and improper behavior. *See* Chris McGann, *State GOP Gets Specific About Election Charges*, Seattle Post-Intelligencer, Jan. 19, 2005, at A1. The comparisons found that:

- 437 provisional ballots were counted without first being verified;
- 37 felons had voted in the election who did not have voting rights restored;
- 9 dead people were credited with voting;
- 20 people voted both in Washington and another state; and
- 10 people voted twice.

Id. Thus, such preliminary analysis alone found at least 513 improper or fraudulent votes. In an election where the margin ranged from 261 to as narrow as 42 votes, such fraudulent behavior more likely than not altered the outcome of the election. Dino Rossi challenged approximately 2,200 votes that could not "be matched with voters credited with casting a ballot, so-called 'mystery voters.'" *Id.* State officials alarmingly responded that such

irregularities happen in "every election and that the lists are never meant to match up vote for vote." *Id.*

Despite finding 1,678 illegally cast votes in that state, Chelan County Superior Court Judge John E. Bridges upheld the election of Christine Gregoire because he concluded that it was ultimately impossible to correctly subtract and attribute those votes to either candidate. *See Borders*, slip op. at 5, 19. One year later, *The Seattle Times* reported that the Secretary of State's Office had, following the election, deleted 55,000 registrations from the state's voter registration rolls "after finding [35,445] duplicate records and [19,579] dead voters." Andrew Garber, *State Purges 55,000 Dead and Duplicate Voters from Database*, The Seattle Times, May 13, 2006, at B1. Additionally, 30 cases of possible double voting were forwarded to county officials for investigation.[10] *Id.*

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[10] Unfortunately, the vote irregularities experienced in Washington are not unique. For example, problems also existed in Wisconsin, where a joint federal task force was convened to investigate allegations of widespread fraud. *See* Greg J. Borowski, *Inquiry Finds Evidence of Fraud in Election*, Milwaukee J.-Sentinel, May 11, 2005, at 1. Additionally, a 2005 Tennessee special state senate race was overturned following allegations of vote fraud. *See* Lucas L. Johnson II, *Tennessee Senate Votes to Oust Member*, AP, Apr. 20, 2006.

D. The Perception Of Fraud Undermines The Electoral System, And Erodes Public Confidence In Election Results.

Finally, Petitioners make the odd argument that Indiana's law should be invalidated because it does not address absentee ballot fraud – or, in their words, the "real problem[ ]." Br. of Pet. Ind. Democratic Party, at 40; *see also id.* at 47. The Indiana legislature, however, is not required to address each and every aspect of vote fraud at once. *See* Tr. of Oral Argument at 18, *McConnell*, 540 U.S. 93 (No. 02-1674) ("the general rule of constitutional law and every other law is Congress doesn't have to solve every problem") (J. Breyer); *see also Williamson v. Lee Optical of Oklahoma*, 348 U.S. 461, 465 (1955) (legislature is free to address "the phase of the problem which seems most acute to the legislative mind . . . The legislature may select one phase of one field and apply a remedy there, neglecting others."). Indeed, the recognition by Petitioners that vote fraud *is* a problem in absentee voting only underscores why the Indiana legislature would wish to take steps to prevent such fraud elsewhere.

Notably, Petitioners do not address the impact that the perception of vote fraud has on the electoral system, nor Indiana's interest in acting to reduce any such perception. Vote fraud is not a victimless crime. It diminishes and marginalizes the vote of every eligible voter who takes the time and effort to vote, and it undermines the legitimacy of the entire

election process. Thus, states can no longer rely on solely reactive measures to counter these damaging effects, nor do they need to. States must also be able to take *preventive* measures, including the adoption of reasonable anti-fraud rules and election administration procedures, to adequately address the threat that vote fraud imposes on the entire electoral system.

The Indiana law was enacted to reduce vote fraud, which the State claims impairs the right of legitimate voters to vote by diluting their legitimate votes. *See* Br. of State Respondents, at 5-7 (describing the environment of inflated voter registration lists throughout the state and nationwide reports of in-person vote fraud). Affirming the constitutionality of the Indiana law, the Seventh Circuit recognized the discrepancy between the number of people listed on the voter registration rolls and the substantially smaller number of people actually eligible to vote as indirect evidence of vote fraud, or at least of an acute danger of such fraud. *See Crawford v. Marion County Election Bd.*, 472 F.3d 949, 953. Further, the Seventh Circuit found that this "[i]ndirect evidence of [voter] fraud, or at least of an acute danger of such fraud," was sufficient justification to uphold the Indiana law. *Id.*; *see also McConnell*, 540 U.S. at 143. The existence of data supporting the proposition that vote fraud – even in small amounts or isolated incidences – tarnishes the credibility of our electoral system, and is enough to uphold Indiana's photo identification law alone. *See McConnell*, 540 U.S. at 143-154.

The attendant loss of public confidence caused by vote fraud and the perception of vote fraud underscores the need for preventive state action like the Indiana statute. *See Fed. Election Comm'n v. Nat'l Right to Work Comm.*, 459 U.S. 197, 208 (1982) (recognizing the importance of preventing "the eroding of public confidence in the electoral process through the appearance of corruption"). Indeed, this Court recently reversed a procedural challenge to the Arizona voter identification and citizenship requirements stemming from the November 2006 election, noting that

> "[c]onfidence in our electoral processes is essential to our participatory democracy. Voter fraud drives honest citizens out of the democratic process and breeds distrust of our government. Voters who fear their legitimate votes will be outweighed by fraudulent ones will feel disenfranchised."

Purcell v. Gonzales, ___ U.S. ___, 127 S. Ct. 5, 6 (2006)(citation omitted). Likewise, the Indiana law should be upheld as an effective, common sense measure that prevents vote fraud and increases public confidence in the election process.

CONCLUSION

For the reasons set forth above, *amicus* RNC urges the Court to affirm the Seventh Circuit decision.

Respectfully submitted,

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